

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
KENTUCKY, SOUTHERN DIVISION

HBKY, LLC v. Elk River Export, LLC, et al.

HBKY · No. 6:21-cv-00101-GFVT-HAI · Decided November 21, 2025

SUMMARY

The United States District Court for the Eastern District of Kentucky overruled the Hensley Heirs’ objections to a magistrate judge’s Report and Recommendation concerning a boundary dispute involving the Brookside property and overlapping historical land patents. The Court adopted the Report and Recommendation, granted HBKY’s motion for summary judgment, denied the Hensley Heirs’ cross-motions, and addressed several related motions. The Court also ordered supplemental briefing on whether special reasons existed to vary from the default rule on costs.

CASE DETAILS

COURT	United States District Court for the Eastern District of Kentucky, Southern Division
WRITING FOR THE COURT	Gregory F. Van Tatenhove
JURISDICTION	United States District Court for the Eastern District of Kentucky, Southern Division
DECIDED	November 21, 2025
DOCKET	6:21-cv-00101-GFVT-HAI
DISPOSITION	other
PROCEDURAL POSTURE	The district court reviewed objections by the Hensley Heirs to a magistrate judge's Report and Recommendation recommending summary judgment for HBKY in a boundary and quiet-title dispute.
STANDARD OF REVIEW	A party objecting to a magistrate judge's Report and Recommendation must make particularized objections within fourteen days; general objections or restatements of prior arguments are insufficient. The court reviewed the challenged portions and adopted the recommendation, applying the summary-judgment standard that judgment is proper when no genuine dispute of material fact remains and the movant is entitled to judgment as a matter of law.
PRECEDENTIAL VALUE	unpublished district court order

TOPICS

summary judgment quiet title title disputes civil procedure mineral rights

PRACTICE AREAS

civil procedure real estate property law mineral rights

QUESTIONS PRESENTED

1. Whether the Hensley Heirs made sufficiently particularized objections to the magistrate judge's Report and Recommendation.
2. Whether the 1907 deed should be interpreted according to the grantor's subjective intent and historical understanding or according to the deed's text and the location of the 1,800-acre patent boundary.
3. Whether *Pennington v. Cumberland Valley Land Co.* conclusively established the relevant boundary and precluded relitigation of that issue.
4. Whether HBKY was entitled to summary judgment because no genuine dispute of material fact remained.

HOLDINGS

1. Although the Hensley Heirs' objections largely restated arguments previously presented and appeared general, the court construed them liberally and addressed the merits because the objectors were proceeding pro se.
2. The 1907 deed must be interpreted according to its language and the objectively established location of the northern boundary of the 1,800-acre patent, not according to the grantor's or grantee's subjective intent or mistaken understanding of the boundary.
3. *Pennington v. Cumberland Valley Land Co.* conclusively determined the location of the northern boundary of the 1,800-acre patent; it clarified the preexisting boundary rather than modifying it.
4. HBKY was entitled to summary judgment because the deed and the established patent boundary resolved the property issue and no disputed issue of material fact remained.

KEY QUOTATIONS

“The interpretation of deeds is a question of law, not a question of fact.” (Section II)

“What controls is the text of the deed itself – and the text of the 1907 deed clearly ties the conveyance to the northern boundary of the 1800-acre plat, wherever that happened to be.” (Section II)

“As such, the deed must be interpreted in view of its unambiguous language, without consideration of extrinsic evidence as to what the parties thought they owned, or what they thought they conveyed, more than 100 years ago.” (Section II)

FACTUAL BACKGROUND

The dispute concerns the boundary between HBKY's Brookside property and adjoining property owned by the Hensley Heirs. The 1907 deed to Loyd Hensley described the conveyed property by reference to the northern boundary of an 1,800-acre patent. An earlier Kentucky decision, *Pennington v. Cumberland Valley Land Co.*, determined the location of that patent boundary and concluded that land south of it had already been conveyed by William B. Kelly in 1887. The court concluded that the deed's language, rather than the parties' mistaken historical beliefs about the boundary, controlled the property determination.

PROCEDURAL HISTORY

HBKY brought claims concerning the boundary between the Brookside property and land owned by the Hensley Heirs, including a declaratory-judgment and quiet-title claim. Magistrate Judge Hanly A. Ingram recommended granting HBKY's motion for summary judgment. The Hensley Heirs filed objections and cross-motions for summary judgment. The district court overruled the objections, adopted the Report and Recommendation, granted HBKY's motion, denied the Heirs' cross-motions, and resolved several ancillary motions.

DISPOSITION

other

REMAND INSTRUCTIONS

The parties were given up to thirty days from the date of the order to file supplemental briefing on applicable costs and whether special reasons existed to vary from the default rule on costs.

CASES CITED

- *United States v. Campbell*, 261 F.3d 628, 632 (6th Cir. 2001)
- *Thomas v. Arn*, 728 F.2d 813, 815 (6th Cir. 1984)
- *Cowherd v. Million*, 380 F.3d 909, 912 (6th Cir. 2004)
- *Miller v. Currie*, 50 F.3d 373, 380 (6th Cir. 1995)
- *United States v. Vanover*, 2017 WL 1356328 (E.D. Ky. Apr. 11, 2017)
- *Litteral v. Caraway*, 2019 WL 3006547, at *1 (E.D. Ky. July 10, 2019)
- *Robert v. Tesson*, 507 F.3d 981, 994 (6th Cir. 2007)
- *Pilgram v. Littlefield*, 92 F.3d 413, 416 (6th Cir. 1996)
- *Florman v. MEBCO Ltd. P'ship*, 207 S.W.3d 593, 600 (Ky. App. 2006)
- *Smith v. Vest*, 265 S.W.3d 246, 249 (Ky. App. 2007)
- *Phelps v. Sledd*, 479 S.W.2d 894, 896 (Ky. 1972)
- *Franklin Fluorspar Co. v. Hosick*, 39 S.W.2d 665, 666 (Ky. 1931)
- *Pennington v. Cumberland Valley Land Co.*, 150 S.W. 655 (Ky. 1912)
- *Yeoman v. Com., Health Pol'y Bd.*, 983 S.W.2d 459, 464-65 (Ky. 1998)

